

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

Norman Freeman, )  
Plaintiff, )  
vs. ) Civil Action No.0:07-3431-TLW-BM  
United States of America )  
R. Blocker M.D.; and )  
Rosario, )  
Defendants. )

## ORDER

Plaintiff, Norman Freeman, (“plaintiff”) brought this civil action, *pro se*, pursuant to Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics, 403 U.S. 388 (1971), as well as the Federal Tort Claims Act (FTCA). Defendants filed a motion for Summary Judgment on May 20, 2008. (Doc. # 38). A Roseboro order was entered on May 21, 2008 advising Plaintiff of the importance of a motion for summary judgment and of the need for him to file an adequate response. (Doc. #39). Plaintiff filed a Memorandum in Opposition to Defendant’s Motion for Summary Judgment on June 23, 2008. (Doc. #41).

This matter now comes before this Court for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Bristow Marchant to whom this case had previously been assigned. (Doc. #48). In the Report, Magistrate Judge Marchant recommends that the District Court grant Defendants’ motion for summary judgment and dismiss this case. (Doc. #48). The plaintiff filed objections to the report. (Doc. #50). In conducting this review, the Court

applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections...The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the Report and Recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case, the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992)

(citations omitted).

In light of the standard set forth in Wallace, the Court has reviewed the Report and the objections. After careful review of the Report and objections thereto, the Court **ACCEPTS** the Report. (Doc. #48). Therefore, for the reasons articulated by the Magistrate Judge, Defendant's Motion for Summary Judgment is **GRANTED**, and this case is hereby **DISMISSED**.

**IT IS SO ORDERED.**

s/Terry L. Wooten  
United States District Judge

October 31, 2008  
Florence, South Carolina